

## **REMARKS**

The amendments in the specification simply insert patent numbers corresponding to applications previously cited only by serial or publication numbers, or correct a clerical error. More specifically, both the amendments in Paragraph [0001] insert patent numbers for applications originally identified by serial and publication numbers. The sole amendment in Paragraph [0006] is a correction of a minor clerical error, the need for which is apparent from Office records. The list of patents and applications in this Paragraph is stated to be E Ink and MIT patents relating to electrophoretic displays. U.S. Patent No. 6,249,721 is not assigned to either E Ink or MIT and does not relate to this technology. Hence, correction is obviously required, and Office records show that the correct Patent No. 6,249,271 must be intended.

Claims 1-43 were previously pending in this application. Claims 1-28 are allowed. Claims 29, 31 and 32 stand rejected under 35 USC 103. Claims 30 and 33-35 are objected to as being dependent upon a rejected base claim but indicated as allowable if rewritten in independent form. Claims 36-43 stand withdrawn from consideration as directed to a non-elected invention, and have now been formally cancelled. Claim 33 has been rewritten in independent form, but with a slight change of scope; this claim now requires that the polymer be chemically bonded to the particle. Claims 34 and 35, which depend from claim 33, remain unchanged. Accordingly, for reasons stated in the Office Action, at least claims 1-28 and 33-35 must be allowable.

In response to the Election requirement in the Office Action, the applicants hereby affirm their earlier telephone election of Group I, claims 1-35. However, this election is now made *without* traverse. Accordingly, as already noted, the non-elected claims 36-43 have been cancelled. No change in inventorship is required as a result of this election.

Claim 29 stands rejected as unpatentable under 35 USC 103(a) over Swiler et al., U.S. Patent No. 6,582,814. This rejection is traversed. More specifically, this rejection is traversed on the grounds that Swiler would not teach a person of ordinary

skill in the relevant art to form a silica coating on copper chromite, a material which Swiler uses only as a color standard.

Swiler describes certain rare earth metal/transition metal mixed oxides, and states that these mixed oxides are useful as colorants and possess good stability. Swiler further states that, where there is an unfavorable reaction between these mixed oxides and the medium in which it is being used, a protective layer may be provided on the surface of the mixed oxide; this protective layer may be formed of silica (Swiler, column 3, lines 54-59).

The only mention of copper chromite in Swiler occurs in the first paragraph of column 6 and in the subsequent Tables 4 and 5, where copper chromite is used solely by way of comparison as a color standard. This mention of copper chromite would not teach a skilled person to form a silica coating on copper chromite. Copper chromite is not one of the rare earth metal/transition metal mixed oxides to which Swiler suggest a silica coating could be applied, nor does copper chromite chemically resemble such mixed oxides. Furthermore, it is illogical to apply a coating to a material being used as a color standard since such a coating might well change the color of the standard, an obviously undesirable result.

Claims 31 and 32 stand rejected under 35 USC 103(a) as being unpatentable over Swiler in view of Herman et al, U.S. Patent No. 3,884,871. This rejection is traversed. More specifically, this rejection is traversed on the same grounds as the earlier rejection of claim 29 discussed above. Since, for reasons already explained, Swiler does not suggest the formation of any coating on copper chromite particles, *a fortiori* Swiler cannot be used in combination with Herman to suggest the formation on copper chromite particles of the type of polymeric coating disclosed in Herman.

This rejection is also traversed on the grounds that a person skilled in the relevant art would recognize that the teaching of Herman is specific to titania and is not applicable to copper chromite. Herman teaches that when titania is incorporated into an organic polymer vehicle, it is highly desirable to have good wetting of the titania by the

polymer and a high degree of dispersion of the titania to obtain full utilization of the light scattering properties of the titania (Herman, column 1, lines 8-22), and for this purpose Herman teaches that it is desirable to form a polymer coating on the titania. Wetting of a pigment by a surrounding medium is a function of the surface characteristics, and especially the surface energy, of the pigment, and this will obviously vary greatly with the specific pigment being used. Given the substantial differences between the chemistry of titania and copper chromite, it would not be apparent to the skilled person that titania and copper chromite would behave similarly to titania as regards wetting by surrounding media. Furthermore, since the stated purpose of the Herman coating is to obtain full utilization of the light scattering properties of the titania, there is no logical reason to use the Herman coating with a black pigment such as copper chromite, where maximization of light scattering is not required, and indeed is undesirable.

Finally, there is no logical way to combine Swiler and Herman to render obvious present claims 31 and 32. As already noted, Swiler discloses silica-coated rare earth metal/transition metal mixed oxides, and does not disclose the coating of copper chromite. Herman discloses the formation of polymer coatings on titania. In view of the differences between the materials being coating and the coating materials used, there is no logical way to combine Swiler and Herman regarding any coating process, much less the coating of copper chromite.

For all the foregoing reasons, the 35 USC 103 rejections are unjustified and should be withdrawn.

Reconsideration and allowance of all claims remaining in this application is respectfully requested.

This application now contains 35 claims, including 4 independent claims, whereas applicants have previously paid fees for 43 claims, including 4 independent claims. Accordingly, no additional claim fees are required as a result of this Amendment.

*Pullen et al.*  
*Serial No. 10/708,130*  
*Amendment of May 18, 2005*  
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An Information Disclosure Statement is filed herewith, and the undersigned attorney would apologize for the late filing of this Information Disclosure Statement.

Respectfully submitted



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